

care of a patient prior to three years before the death of that patient. However, if any relative, or legal representative liable for the patient's cost of care, has misrepresented assets or submitted fraudulent information, there shall be no limitation on the time in which the claim can be brought against the estate. The claim shall constitute a preferred claim against the estate of any such person. The claim may be waived by the Department, if, in its judgment, enforcement of such claims will result in substantial hardship to dependents of those against whom such claims exist.]

SECTION 3. AND BE IT FURTHER ENACTED, That Sections 26, 27, 28 and 29 of Article 59A - Mental Retardation, of the Annotated Code of Maryland (1972 Replacement Volume and 1974 Supplement) be and they are hereby repealed:

Article 59A - Mental Retardation

[26.

(a) Payments shall be made by the mentally retarded person or his responsible relative or guardian. Liability for such payment shall be joint and several.

(b) The Department shall specify the time and amount of payments. It may from time to time, modify its orders as to payments, as circumstances may warrant. In setting the amounts of payments, the Department shall consider the financial means or abilities of the mentally retarded person and responsible relatives or guardian, and may agree to accept less than the per capita cost of care.

(c) The Department may, when appropriate, set the rate of payments retroactively, for a period of not more than six months. The retroactivity may be set for a greater period if the retarded person, his responsible relatives, personal representative or other person having financial information relative to the mentally retarded person has failed or refused to disclose such information to the Department.

27.

(a) The Department shall investigate the financial condition of all mentally retarded persons, their responsible relatives, and other persons legally chargeable for any obligation of the mentally retarded person in order to determine the ability of such person or his responsible relatives to pay for the cost of care of such person.